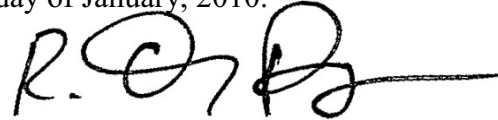


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The court has considered the entire file in this action together with the magistrate judge's report and recommendation and has reached an independent conclusion that the magistrate judge's report and recommendation is due to be adopted and approved. Accordingly, the court hereby **ADOPTS** and **APPROVES** the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accordance with the recommendation, the City of Centerville's Motion to Dismiss (Doc. #12) is due to be denied and Julius Dalton Murphy's Motion to Dismiss

(Doc. #14) is due to be granted only to the extent that the complaint asserts claims in Counts One and Four against Murphy in his individual capacity. An appropriate order will be entered.

**DONE** and **ORDERED** this 4th day of January, 2010.

A handwritten signature in black ink, appearing to read 'R. David Proctor', written over a horizontal line.

**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE